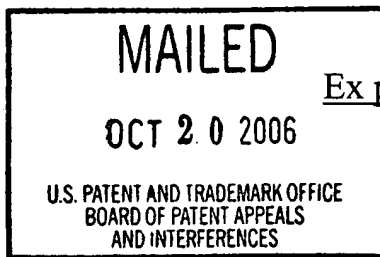


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte STEPHEN F. GASS and DAVID J. FULMER

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Application No. 10/053,390

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on September 6, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

The Manual of Patent Examining Procedure (MPEP) § 609(C)(2) (Eighth Ed.) in regards to Information Disclosure Statements filed by applicants states in part.:

Examiners must consider all citations submitted in conformance with the rules and this section, and their initials when placed adjacent to the considered citations on the list or in the boxes provided on a form PTO-1449 or PTO/SB/08A and 08B provides a clear record of which citations have been considered by the Office. The examiner must also

Application No. 10/053,390

fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form.

Appellants filed a considerable number of Information Disclosure Statements in this application. It seem as though the examiner has inadvertently overlooked six of them. The Information Disclosure Statement (IDS) filed on **March 7, 2002**, **September 6, 2004**, **December 9, 2004**, **December 19, 2004**, **February 27, 2005** and **June 4, 2005** have not been initialed next to the documents listed on the 1449s and the IDSs have not been signed and dated as required. Correction is required.

Accordingly, it is

ORDERED that the application is being returned to the Examiner:

(a) for the examiner to properly consider the IDSs filed:

**March 7, 2002**

**September 6, 2004**

**December 9, 2004**

**December 19, 2004**

**February 27, 2005**

**June 4, 2005**

Application No. 10/053,390

- (b) for the examiner to send a copy of the properly considered IDS's to appellants, and
- (c) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: G.P. Engle for Dale Shaw  
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Acting Chief Appeals Administrator  
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